

CRIMINAL DOCKET - U.S. District Court

U.S.

(LAST, FIRST, MIDDLE)

Case Filed	Mo.	Day	Yr.	Docket No.	Def.
02	25	86	00002	11	
No of Def's			U.S. MAG CASE NO.		

PO	<input type="checkbox"/>	Assigned	<input type="checkbox"/>	WRIT
Misd.	<input type="checkbox"/>	Disp/Sentence	<input type="checkbox"/>	JUVENILE
Felony	<input checked="" type="checkbox"/>	District	Off	Judge/Magistr.

VS. **WILLIAMS, THOMAS FRANKLIN, SR.**

OFFENSE ON INDEX CARD

Narcotic Violation

ORIGINAL COUNTS

I. CHARGES

21§963 & 960 Conspiracy to import a schedule I controlled substance
Count 2 1
21§952(a), 18§2 Importation of a schedule I controlled substance and
aiding and abetting
Count 3 1

II. KEY DATE

INTERVAL ONE	END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)	END INTERVAL TWO
KEY DATE EARLIEST OF 6-4-86	KEY DATE 02-25-86 APPLICABLE	KEY DATE 5-20-86 LATEST OF
arrest sum'ns custody appears on complaint	Indictment filed/unsealed consent to Magr. trial on complaint Information Felony-W/ waiver	1st appears on pending charge /R40 Receive file R20/21 Supdsd Order New trial
APRAIGNMENT NG/J	1st Trial Ended	2nd Trial Began

Search Warrant	Issued	DATE	INITIAL/NO.	III. MAGISTRATE	INITIAL/NO.	OUTCOME:
Summons	Issued			INITIAL APPEARANCE DATE		DISMISSED
Arrest Warrant Issued	Served			PRELIMINARY EXAMINATION		HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
COMPLAINT				REMOVAL HEARING		HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW
Date of Arrest		OFFENSE (In Complaint)		WAIVED	NOT WAIVED	
				INTERVENING INDICTMENT		

Show last names and suffix numbers of other defendants on same indictment/information:

ATTORNEYS
U. S. Attorney or Asst.

JOHN STUART BRUCE

Defense: 1 ☒ CJA. 2 ☐ Ret. 3 ☐ Waived. 4 ☐ Self. 5 ☐ Non / Other. 6 ☐ PD. 7 ☐ CD

John Stuart Bruce
P.O. Box 17665
Raleigh, NC 27619

DEFT. IN FEDERAL CUSTODY
70 days up 8-13-86

(suppt) Mr. L. Michael Cladd
P.O. Box 17665
Raleigh, NC 27619
847-6688

SCANNED

IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

FINE AND RESTITUTION PAYMENTS			Docket Entries Begin On Reverse Side		
DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER
Case 2:86-cr-00002-DU Document 11 Filed 02/25/86 Page 1 of 6					

RULE	20	21	40	In	Out
BAIL • RELEASE					
PRE INDICTMENT					
Release Date					
Bail Denied					
AMOUNT SET					
Date Set					
Bail Not Made					
Date Bond Made					
POST INDICTMENT					
Release Date					
Bail Denied					
AMOUNT SET					
Date Set					
Bail Not Made					
Date Bond Made					

DATE DOCUMENT NO		Yr	Docket No	Det	MASTER DOCKET - MULTIPLE DEFENDANT CASE PROCEEDINGS DOCKET FOR SINGLE DEFENDANT		PAGE _____ OF _____		VI EXCLUDABLE DELAY			LETTER CODES	
									Start Date End Date	Ltr Code	Total Days	For identifying periods of exclud- able delay per 18 USC 3161 (h) (Sections in brackets)	
2-19-86					MOTION ORDER	V. PROCEEDINGS	TO SEAL INDICTMENT					A. Exam or hearing for mental/physical incapacity (18 USC 4244) (1) (A)	
2-25-86					MOTION ORDER	TO UNSEAL INDICTMENT	It is hereby ordered that the above captioned indictment be sealed through February 26, 1986. Mag. Denson					B. NARA exam (18 USC 2902) (1) (B)	
					INDICTMENT FILED		It is hereby ordered that the above captioned indictment and all motions and orders with respect to its sealing by unsealed and available to the public. Mag. Denson.					C. State, Fed l proceedings, on other charges (1) (D)	
3-4-86					Request for Warrant to be issued by the U.S. Attorney. ISSUED WARRANT		Original and one copy of warrant to U.S. Marshal w/certified copy of the indictment for service. 1c U.S. Attorney.					D. Interlocutory appeal (1) (E)	
					ISSUED NOTICE		deft. set for arraignment on 3/18/86 in New Bern, N.C. at 10:00 A.M. before U.S. Magistrate - 1c U.S. Attorney, 1c Counsel of Record.					E. Pretrial motion (from filing to hearing or to other prompt disposition) (1) (F)	
3-12-86					FIELD REPORT		Subject arrested by U.S. Customs on 3-6-86.					F. Transfer from other district per FRCP 20.21 or 40 or Mag Rule 6a (1) (G)	
3-17-86					MOTION(1)		FOR CONTINUANCE AND MODIFICATION OF PRE-TRIAL SCHEDULING ORDER - 1c Judge Dupree.	3/17/86		E		G. Proceedings under advisement, not to exceed 30 days, after all necessary submissions filed and hearings completed (1) (J)	
3-20-86					ORDER		-re: motion to continue trial from 4/21/86 and mod. pre-trial sch. -motion to cont. is granted and period between 4/21/86 and next reg. sch. trial date is excluded u/18:3161(h)(8) and PRE-TRIAL sch. modified as follows: all voluntary pretrial disc. concluded on or before 4/21/86 all pre-trial motions filed no later than 4/28/86 and responses filed no later than 5/5/86. (Dupree, J) Cr. OB#1, P. 249. 1c: U.S. Atty and counsel of record. (ent. 3/12/86)	3/20/86			28	H. Misc. proceedings: arraignment, parole, probation, revocation, Deportation extradition (1) (I)	
4-14-86					MOTION FOR PROTECTIVE ORDER WITH INCORPORATED MEMORANDUM OF LAW 1c. Mag. McCotter			4-21-86		T		5. Delerral of prosecution (per 28 USC 2902) (1) (C)	
5-1-86					RETURN ON WRIT FILED 2-25-86		- rturn unexecuted - subject not medically well enough to travel. U.S. Marshal Service.	5-19-86				6. Transportation from another district or to/from examination or hospitalization in 10 days (1) (H)	
5-2-86					AFFIDAVIT AND MOTION FOR HABEAS CORPUS - AD PROSEQUENDUM FOR THOMAS FRANKLIN WILLIAMS, SR., FCI, TALLADEGA, Ala. and WRIT		- set for arrgn. on 5/20/86 at New Bern - (Leonard, Mag.) Cr. OB#1, P. 261 cys. U.S. Atty.					7. Consideration of Court of proposed plea agreement (1) (I)	
5-6-86					ISSUED NOTICE TO APPEAR -now set for arraignment on Tuesday, May 20, 1986, at 10:30 A.M... in New Bern, N.C. before U.S. Magistrate 1c: U.S. Atty,							I. Prosecution deferred by mutual agreement (1) (J)	
												M. Unavailability of defendant or essential witness (3) (A, B)	
												N. Period of mental/physical incompetence of def to stand trial (4)	
												O. Period of NARA commitment/treatment (5)	
												P. Superseding indictment and/or new charges (6)	
												R. Del awaiting trial of co defendant & no severance has been granted (7)	
												I. Continuance granted per (h) (8) use "T" alone if more than one of the following reasons (T1 thru T4) is given in support of continuance (8) (A, B)	
												T1. Failure to continue would stop further proceedings or result in miscarriage of justice (8) (B, v1)	
												T2. Case unusual or complex (8) (B, v1)	
												T3. Indictment being arrest can't be filed in 30 days (8) (B, v1)	
												T4. Continuance granted to obtain or substitute counsel, or give reasonable time to prepare (8) (B, v1)	
												U. Time up to withdrawal guilty plea, 3161(i)	
												W. Grand Jury indictment time extended 30 more days, 3161 (u)	

AO 256A

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
5-16-86	<p>ORDER</p> <p>- re: material turned over to defts. or counsel by govern. assure compliance w/Brady or any order of this court:</p> <p>1. shall not disseminate such material nor disclose its contents to any other person, except employees of defense counsel, prospective witnesses to extent necessary to prepare for their examinations and counsel for non-fugitive co-defts.</p> <p>2. shall not make copies of said material, except as may be necessary for use by counsel for non-fugitive co-defts.</p> <p>(Dupree, J) Cr. OB#1, P. 270.</p> <p>lc: U.S. Atty and</p>				
5-20-86	<p>ORDER</p> <p>-re: disclosure of all stms. of any indicted and undicted co-defts. and alleged co-CONSPIRATORS - govern order to disclose stms. of co-conspirators whom the govern. does not intend to call as witnesses. In other respects motion is DENIED</p> <p>(Dupree, J) Cr. OB#1, P. 274</p> <p>lc: U.S. Atty and</p> <p>(ent. 5/20/86)</p> <p>SUPERSEDING FILED</p> <p>at New Bern, deft. not present per Marshal writ issued, deft. not yet arrived in this district.</p> <p>continued</p> <p>The pre-trial motion for a hearing out of the presence of the presence of the jury as to the admissibility of co-CONSPIRATOR statements is DENIED. Judge Dupree, CR OB # 1, p 275</p> <p>cys. dist. (ent. 5-28-86) ms</p> <p>Upon request of the Government and for good cause shown, the time allowed for the Govt.'s responses to the defts. pre-trial motions is hereby extended to and including May 21, 1986. Judge Dupree, CR OB # 1, p 277</p> <p>cys. dist. (ent. 5-28-86) ms</p>				
	<p>INDICTMENT</p> <p>ARRAIGNMENT</p>				
	<p>ORDER</p>				
5-22-86	<p>ORDER</p>				

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
5-23-86	ORDER Defendants having informed the court that they wish to withdraw their motion for discovery inspection and copying of statements of indicted and un-indicted co-conspirators, the courts order of May 20, 1986 partially granting this motion will be rescinded. Judge Dupree, CR OB # 1, p 278 cys. dist. (ent. 5-28-86) ms				
5-28-86	ISSUED NOTICE - set for arrgn. on 6/4/86 at 10:30 at Raleigh before Mag. Leonard. lc: U.S. Atty.				
6-2-86	ORDER The court concludes that the interest of the other defendants and the govt. warrant a continuance of the action. Furthermore, the trial of this action is scheduled to take up to three weeks, and the court has several outside commitments during the month of June which would require interrupting the trial and possibly extending it beyond the July 7 date. Therefore for the reasons set out herein, it is now Ordered that the trial of this case presently scheduled to commence on June 9, 1986 be continued to the court's July 7, 1986 calendar. For the reasons stated in deft. written motion it is further ordered that such period of delay necessitated by this continuance is excludable under the provisions of 18 U.S.C., § 3161(h)(8)(A) for the reason that in this cause the interests of justice which would be served by the granting of this continuance outweigh the best interests of the public and the defendants in a speedy trial. Judge DUpre, CR OB # 1, p 284 cys. dist. (ent. 6-3-86) ms				
6-4-86	ARRAIGNMENT Deft. w/out counsel, advised of all rts., charges and penalties. CJA filled out and approved. Plea of NG/J ent. by the Court.				
6-4-86	APPOINTMENT OF COURT APPOINTED COUNSEL - L. Michael Dodd, P. O. Box 17665, Raleigh, N.C. 27619				jp
6-16-86	ISSUED NOTICE deft. set for Jury Trial on Monday, July 7, 1986 at 10:00 A.M. in Raleigh, N.C. before Judge Dupree, cys. dist.				

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

U. S. vs

WILLIAMS, THOMAS FRANKLIN SR.

86-2-11-CR-2

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
6-28-86	ISSUED NOTICE - set for motion hearing on 6-30-86 at 10 A.M. in Raleigh before Judge Dupree. lc: Judge Dupree, U.S. Atty., U.S. Marshal, U.S. Prob., Attorney of record, Joyce Todd, & Court Reporter				
6-24-86	NOTICE OF FED. R. EVID. 404(b) EVIDENCE w/cs. - lc: Judge Dupree				
6-30-86	MOTION TO TRANSFER DEFT. TO MEDICAL FACILITY w/cs John Bruce, lc Judge Dupree. at Raleigh, N.C. - Court Reporter - Jo Bush CHANGE OF PLEA Evidence Summarized Rule 11 conducted Plea of Guilty to Count 2 Cannot withdraw plea Factual basis Plea Freely and voluntary Plea accepted Bond: Denied SENTENCING: to be set MEMORANDUM OF PLEA AGREEMENT - lc U.S. Atty., lc Probation, lc Counsel of Record, lc Judge Dupree.				
7-11-86	ORDER That deft. be transferred pending sentencing from the Nash County Jail to the Federal Correctional Center at Butner, North Carolina or some other appropriate correctional facility where his cancer of the urinary tract and other medical needs can be adequately attended to. Judge Dupree, CR OB # 1, p 312 cys. dist. (ent. 7-17-86) ms				
9-17-86	ISSUED NOTICE Deft. set for sentencing on Tuesday, September 30, 1986 at 9:30 A.M. before Judge Dupree, cys. dist. MAILED SENTENCING SCHEDULE INDICATING TIMES AND DATES OF INDIVIDUAL CASES.				
9/29/86	SENTENCING MEMORANDUM by the U. S. Attorney's Office; cs; cy to Judge Dupree				
9-30-86	ORDER FOR DISMISSAL - For the reason that the deft. wishes to withdraw his guilty plea and the Govt. at this point deems it in the public interest to defer to state prosecution rather than try the defendant separately. Judge Dupree, CR OB # 1, p. 338 (ent. 10-8-86) ms				

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
10-31-86	ORDER FOR DISMISSAL- For the reason that s superseding indictment was filed with the court on May 20, 1986. Leave of court is granted for the filing of the foregoing dismissal. Judge Dupree, CR OB # 2, p 30 cys. dist. (ent. 11-13-86) ms				
11-5-86	ORDER It is ordered that the following items admitted into evidence during the trial of the above captioned case be release by the Clerk, U.S. District Court, into the custody of N.C.S.B.I., Special Agent William L. Slaughter for use in Hyde County, N.C. Superior Court, in the trial of State of North Carolina vs. Benny Diaz, Commencing November 10, 1986. It is further ordered that upon completion of said trial, these items of evidence be returned to custody of the Clerk of the U.S. District Court. Judge Dupree, CR OB # 2, p 29 cys. dist. (ent. 11-13-86) ms.				
7/14/86	MARSHAL RETURN ON WRIT -def't ret'd to FCI Butner on 7/14/86; Larry Rector, DUSM by Roger Mulles				
2-10-87	RETURN ON WARRANT - warrant returned unexecuted per Order for Dismissal dated 9-30-86.				